

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTONIO ALFONSO REYNA,  
Petitioner,  
v.  
THERESA CISNEROS, Warden,  
Respondent.

No. 2:22-cv-2295 KJN P

ORDER

Petitioner is a state prisoner, proceeding through appointed counsel. On May 26, 2023, counsel filed a motion asking the court to order respondent to lodge the record on appeal, the appellate briefs and the petition for review from the underlying appeal in the California Court of Appeal in this matter. Counsel confirms he intends to file an amended petition for writ of habeas corpus under 28 U.S.C. § 2254 but needs the record to prepare the amended petition.

However, respondent has not yet been served in this action. Petitioner provides no legal authority for the court to order respondent to lodge the record prior to representing a party in this action. Further, it is unclear why petitioner's state appellate counsel no longer has access to the state court record. (ECF No. 8 at 2.) Petitioner's counsel may wish to contact the habeas unit at the Federal Defender's office for assistance in how to obtain the state court record.

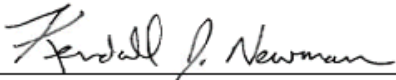
In light of counsel's difficulty in obtaining the record, petitioner is granted an extension of time in which to file an amended petition.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Petitioner's ex parte motion (ECF No. 8) is denied without prejudice; and

3 2. Petitioner is granted sixty days from the date of this order in which to file an amended  
4 petition.

5 Dated: June 28, 2023

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7 KENDALL J. NEWMAN  
8 UNITED STATES MAGISTRATE JUDGE

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